

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT E.D.N.Y.

★ MAR 13 2019 ★

BROOKLYN OFFICE

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WELLS FARGO BANK, N.A.,

Plaintiff,

-against-

ANDRE A. WATTS, aka ANDRE WATTS;
CRIMINAL COURT OF THE CITY OF NEW
YORK; NEW YORK CITY ENVIRONMENTAL
CONTROL BOARD; and NEW YORK CITY
TRANSIT ADJUDICATION BUREAU,

Defendants.
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ORDER

16-CV-6919 (ENV)(RER)

VITALIANO, D.J.

Plaintiff Wells Fargo Bank, N.A. ("Wells Fargo"), filed this action, on December 15, 2016, against defendants Andre Watts, Criminal Court of the City of New York, New York City Environmental Control Board, and New York City Transit Adjudication Bureau, seeking to foreclose its mortgage on the property located at 13-06 Caffrey Avenue in Far Rockaway, New York, together with improvements to the property, and to recover costs. Compl., Dkt. 1. On May 5, 2017, plaintiff filed a motion for default judgment, which the Court referred to the assigned magistrate judge for report and recommendation. Mot. for Default J., Dkt. 11; Mar. 27, 2018 Order. Magistrate Judge Ramon E. Reyes, Jr. issued his Report and Recommendation on January 3, 2019 (the "R&R"). Dkt. 33.

Judge Reyes recommended that the motion for default judgment be denied as to all defendants. He found the motion to be moot as to individual defendant Watts, who had appeared and successfully moved to vacate the entry of default. R&R at 2. As to the other defendants (the "Municipal Defendants"), Judge Reyes found that, as junior lienholders, their "rights and

obligations are implicated only in the event of a foreclosure judgment against Defendant Watts.” *Id.* at 2-3. Since Watts had appeared in the action, a judgment against the Municipal Defendants “would be premature.” *Id.* at 3. Notice of time to object to the R&R was given, but no party has objected within the time to do so. *See id.* at 3-4; Aff. of Service, Dkt. 39.

Discussion

Where no party has objected to a report and recommendation, clear-error review applies. *See Dafeng Hengwei Textile Co. v. Aceco Indus. & Commercial Corp.*, 54 F. Supp. 3d 279, 283 (E.D.N.Y. 2014). Having carefully reviewed the R&R in accordance with this standard, the Court finds it to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R, in its entirety, as the opinion of the Court.

Conclusion

For the foregoing reasons, the R&R is adopted, in its entirety, as the opinion of the Court. The parties are referred to Judge Reyes for continued pretrial management. Plaintiff is directed to serve a copy of this Order on all defendants and file proof of service on the docket by March 26, 2019.

So Ordered.

Dated: Brooklyn, New York

March 12, 2019

s/Eric N. Vitaliano

ERIC N. VITALIANO

United States District Judge